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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/872,435	06/01/2001	Stephen L. Bade	SYN-0472	2097
35273 7590 12/18/2006 BEVER, HOFFMAN & HARMS, LLP 2099 GATEWAY PLACE SUITE 320 SAN JOSE, CA 95110			EXAMINER LUU, CUONG V	
			ART UNIT 2128	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/872,435

Applicant(s)

BADE ET AL.

Examiner

Cuong V. Luu

Art Unit

2128

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 21 November 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

Continuation of 11. does NOT place the application in condition for allowance because: 1. For claim 37, pp. 26-29, the applicant argues:

- o that the simulation has nothing to do with FSM, much less generating the FSM simulation
- o that neither Hellesstrand or Cadence teaches displaying on GUI a graphical representation of the execution of the software application on the virtual embedded ... to emulate user input to and device output from the virtual embedded system.

2. For claim 52, the applicant argues:

- o that the simulation has nothing to do with FSM, much less generating the FSM simulation
- o that merely providing ports does not teach linking the signals to form the virtual embedded system.

3. For claim 64, the arguments are similar to those of claim 52.

4. For claim 68, the arguments are similar to those of claim 52 plus Cadence's not teaching creating virtual test bench ... a user interface for each interactive test bench.

Discussions of arguments by the applicant.

5. For claim 37:

- o The applicant argues that the simulation has nothing to do with FSM. At col. 9, lines 14-25, Rompaey teaches simulation of hardware implementations comprising of ASIC, processors. A processor comprises of many FSM, so indeed Rompaey does teach generating FSM simulation.
- o The applicant argues that Hellesstrand or Cadence teaches displaying on GUI a graphical representation of the execution of the software application on the virtual embedded ... to emulate user input to and device output from the virtual embedded system. At col. 21, lines 39-59, Hellesstrand teaches a debugger. A debugger inherits a GUI, representing the a graphical. In addition, col. 21 lines 46-59 re-enforces the teaching of graphical representation of the execution by teaching examining any hardware entities as the simulation proceeds.

Claim 37 is, therefore, rejected.

6. For claim 52:

- o The argument that the simulation has nothing to do with FSM, much less generating the FSM simulation has been addressed in item 5.
- o The applicant also argues that merely providing ports does not teach linking the signals to form the virtual embedded system. The recitation at col. 20, lines 55-58; col. 21, lines 1-14 clearly teaches modeling the behavior of read, write, and interrupt signals and "functions to manage processor specific actions such as installing an interrupt vector, enabling/disabling interrupts". These teachings, therefore, read on this limitation.

Claim 52 is, therefore, rejected.

7. For claim 64, the arguments have already been discussed in item 6.

8. For claim 68, besides arguments similar to those of claim 52, which have already discussed, the applicant argues that Cadence does not teaching creating virtual test bench ... a user interface for each interactive test bench. The teachings of windows showing real time oscillobrams, bar graphs, signal post-processing on p. 2, paragraphs 1-3 read on these limitations.

9. Other dependent claims are argued allowable because of depending on respective independent claims which are argued by the applicant allowable. Since the independent claims remain rejected, those dependent claims remain rejected.


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